

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	No. 21 CR 239
DANIEL ROSENBAUM,)	Honorable Manish S. Shah
)	
Defendant.)	

**MOTION TO RECONSIDER THE COURT’S DECISION THAT DEFENDANT
BE HELD IN PRETRIAL DETENTION**

NOW COMES Defendant, Daniel Rosenbaum (ROSENBAUM), by and through his attorneys, Steven R. Decker, and James F. DiQuattro, and respectfully moves this Honorable Court to enter an order modifying the conditions of Defendant’s release. In support thereof, Defendant shows the Court the following:

1. Defendant is charged with Frauds and Swindles in violation of 18 U.S.C. § 1341 and Wire Fraud in violation of 18 USC § 1343.
2. ROSENBAUM is 55 years old and has no prior criminal background.
3. He previously resided at 5044 West Elk Court, Brown Deer, WI 53223.
4. ROSENBAUM was placed on pretrial release on April 19, 2021. He had incurred several violations in reference to driving a motor vehicle.

Specifically, ROSENBAUM was not to drive a motor vehicle due to a medical condition he has been diagnosed with that inhibits his ability to drive.

5. On October 28, 2022, this Honorable Court modified ROSENBAUM’S conditions of release to include a condition of home incarceration which then required ROSENBAUM to be restricted to being on a 24 lockdown at his current residence. With the only exceptions for movement for medical

necessities, in-person court appearances, attendance of religious services and other activities as approved by ROSENBAUM's assigned pretrial officer.

6. ROSENBAUM requested that his conditions of release be modified to home detention with location monitoring so he may relocate his residence to be able to continue to work with his previous employer, Go! Calendars, Toys & Games. That request was granted by this Honorable Court.
7. On January 4, 2023, the Government filed an emergency motion to revoke ROSENBAUM's release. The Government alleged in their motion that ROSENBAUM committed additional financial related crimes against other individuals since being out on pretrial release.
8. A warrant was issued for ROSENBAUM's arrest shortly thereafter.
9. ROSENBAUM self-surrendered to the U.S. Marshalls on January 9, 2023.
10. On January 11, 2023, a hearing was held on the Government's Motion for pretrial release. The defense did not contest the existence of the new allegations and only argued that ROSENBAUM be released on home incarceration for the remainder of the case.
11. The Honorable Court denied the Defense's request to allow ROSENBAUM to be released again on Home Incarceration based in significant part on the new alleged crimes that are said to have taken place while ROSENBAUM was on pretrial release.
12. ROSENBAUM is requesting for this Honorable Court to reconsider it's decision to deny him release onto home incarceration based upon his lack of

prior criminal background and significant medical issues that he is experiencing while incarcerated at Kankakee County Jail.

13. Since being incarcerated, ROSENBAUM has been experiencing varied medical issues. He recently had emergency surgery to remove his gallbladder.
14. He also experienced chest pains which he believed was a potential heart attack which required him to be hospitalized for several days.
15. ROSENBAUM also requires oral surgery due to a broken tooth. His request to see a dentist has been left unfulfilled.
16. ROSENBAUM reports that he has a 100% closed artery, low blood pressure and extending veins. ROSENBAUM reports he needs to consult with his cardiologist to address these issues as the jail has been unable to do so.
17. He is also currently experiencing multiple rashes all over his body due to psoriasis which also continues to bleed profusely. ROSENBAUM has indicated that he requested medical assistance regarding this issue. His request was denied by the jail.
18. He also suffers from sleep apnea. He is required to be equipped with a sleep pap machine throughout the night to ensure that he breathes regularly while sleeping. He needs to see his sleep doctor because the machine needs to be adjusted. He reports that the jail indicated to him that they cannot accommodate that request.
19. ROSENBAUM respectfully requests that this Honorable Court allow him to be released on home incarceration so he can attend to his medical issues before a potential prison sentence.

20. If ROSENBAUM is left in jail with these untreated symptoms connected to his medical conditions, he may suffer adverse medical consequences.
21. ROSENBAUM has no prior criminal background.
22. ROSENBAUM has no history of violence.
23. ROSENBAUM has attended each and every court date where his appearance was required. He was residing in Wisconsin prior to his incarceration. He also voluntarily self-surrendered to the U.S. Marshalls after the Motion to revoke his pretrial release was filed. Based on this, ROSENBAUM is not a flight risk.
24. ROSENBAUM is also not a danger to the community. He has no prior criminal background and has no history of violence. While it is alleged that ROSENBAUM committed other financial related crimes while out on pretrial release, it is notable that there were no new alleged crimes or violations committed during the time period he was placed on home incarceration. Also, ROSENBAUM submits that the crimes were also allegedly committed before his medication was adjusted. ROSENBAUM indicates that he will submit to any type of supervision and monitoring including his phones and electronic devices to alleviate any concerns that the court has about releasing him back to home incarceration. ROSENBAUM asserts that he will follow all conditions of pretrial release, including and especially not violating any State, Federal or local laws.
25. The parties are in negotiations. A draft plea agreement has been recently tendered by the Government.

26. ROSENBAUM anticipates entering into the plea agreement once finalized.
27. ROSENBAUM also is requesting to be placed back on pretrial release so he can get his affairs in order ahead of a potential prison sentence.
28. If released, it will aid in preparation of his defense and sentencing as he can assist his counsels in determining the actual amount of the fraud.
29. ROSENBAUM also reiterates that he will submit to any type of supervision and monitoring that pretrial deems appropriate, including of his phones and electronic devices.
30. ROSENBAUM will continue to follow all other conditions of his release. Including not operating a motor vehicle under any circumstances.
31. After conferring with counsel for the government, the government has indicated that they do object to the Defense's motion to reconsider.

WHEREFORE Defendant respectfully prays this Honorable Court enter an order modifying conditions of her release any such other relief as this Court deems just.

Respectfully Submitted,

/s/Steven R. Decker
Steven R. Decker

/s/James F. DiQuattro
James F. DiQuattro

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